

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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OCT 17 2000

In Re: Vitamins Antitrust Litigation

MISC. No. 99-0197: (TFH)

Judge
THOMAS F. HOG

This Document Relates To:

MDL No. 1285

Blue Seal Feeds, Inc., et al. v. Akzo
Nobel, Inc., et al. (99-2683 TFH)

FILED

OCT 19 2000

NANCY MAYER-WHITTINGTON, CLERK
U.S. DISTRICT COURT

*Let this
be filed.
Hogman
10-18-*

**STIPULATION FOR DISMISSAL WITH PREJUDICE OF CLAIMS
AGAINST E. MERCK, MERCK KGaA AND EM INDUSTRIES, INC.**

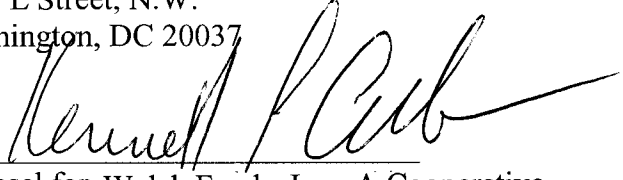
In accordance with Rule 41 of the Federal Rules of Civil Procedure, Welch Foods, Inc., A Cooperative ("Plaintiff") and Defendants E. Merck, Merck KGaA and EM Industries, Inc. ("Merck") stipulate and agree to the dismissal, with prejudice, of Plaintiff's claims in the above-captioned Lawsuit against Merck only. This dismissal with prejudice is without prejudice to Plaintiff's claims against any other Defendants or alleged co-conspirators in the above-captioned cases.

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A proposed Order of Dismissal With Prejudice accompanies this Stipulation as Exhibit 1.

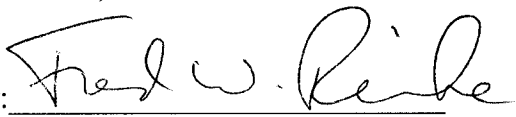
Respectfully submitted,

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By: 
Counsel for Welch Foods, Inc., A Cooperative

-- and --

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By: 
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EM Industries, Inc.

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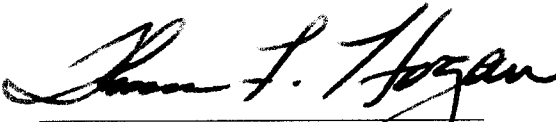
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NANCY MAYER-WHITTINGTON, CLERK
U.S. DISTRICT COURT

ORDER OF DISMISSAL WITH PREJUDICE OF CLAIMS AGAINST E. MERCK,
MERCK KGaA AND EM INDUSTRIES, INC.

AND NOW, this 18 day of October, 2000, upon consideration of the foregoing stipulation by Welch Foods, Inc., A Cooperative ("Plaintiff Welch Foods") and Defendants E. Merck, Merck KGaA and EM Industries, Inc., it is hereby

Ordered that the foregoing stipulation of Plaintiff Welch Foods and Defendants E. Merck, Merck KGaA and EM Industries, Inc. to dismiss with prejudice Plaintiffs' claims in the above-captioned cases against Defendants E. Merck, Merck KGaA and EM Industries, Inc. only be and the same is Accepted. Accordingly, the claims in the above-captioned case of Plaintiff Welch Foods against Defendants E. Merck, Merck KGaA and EM Industries, Inc. be and the same are hereby dismissed with prejudice. This Order is without prejudice to Plaintiff Welch Food's claims against any other Defendants or alleged co-conspirators in the above-captioned case.


United States District Judge